

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed March 30, 2004. Upon entry of the amendments in this response, claims 1 - 20 remain pending. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

Rejections Under 35 U.S.C. § 103

The Office Action indicates that claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over PhotoAccess Corporation ("PhotoAccess") in view of America Online ("AOL"). Applicant respectfully traverses the rejection.

Turning first to the cited references, PhotoAccess is purported in the Office Action to disclose "client ware running on a web enabled imaging device for submitting requests for imaging services available on an online imaging service site [web enabled digital camera, page 1]." As an initial matter, Applicant respectfully notes that the entire disclosure in PhotoAccess related to a web enabled digital camera is as follows: "PhotoAccess is engaged in the development of Web enabled digital cameras and Internet printing services." (PhotoAccess, page 1). Applicant respectfully notes that there is no teaching or disclosure related to the structure and/or functions of such a web enabled digital camera. Applicant also respectfully notes that the first portion of the disclosure in which the web enabled digital camera is mentioned states that PhotoAccess was founded in 1997. In various other pages of the PhotoAccess disclosure, it is indicated that PhotoAccess was founded in 1998 (see page 6, for example). Therefore, Applicant respectfully asserts that the reliability of the disclosure is in question. Moreover, in subsequent press releases by PhotoAccess, the development and/or release of a web enabled digital camera is not disclosed, much less enabled relative to the structure and/or functionality of such a device.

Further, Applicant respectfully notes that it appears that the Office Action is attributing the web enabled digital camera mentioned in the one sentence of page 1 of PhotoAccess to an online imaging service site. Thus, the Office Action does not make clear whether the non-enabling disclosure of a web enabled digital camera is being attributed to Applicant's web enabled imaging device or to an online imaging services site. Applicant respectfully requests clarification in a subsequent action.

Turning next to the claims, claim 1 recites:

1. An on-line system for providing imaging services comprising:
client-ware running on a web-enabled imaging device for submitting requests for imaging services available on an on-line imaging services site; said device including a user profile containing information associated with said imaging services.
(Emphasis Added).

Applicant respectfully asserts that the cited references, either individually or in combination, are legally deficient for the purpose of rendering obvious claim 1, because at least the features/limitations emphasized above are not taught or reasonably suggested by any or a combination of the references. For example, the Office Action sets forth no teaching or suggestion of "client-ware running on a web-enabled imaging device." Therefore, Applicant respectfully asserts that the rejection of claim 1 is improper and that claim 1 is in condition for allowance. Since claims 2 - 17 incorporate all the features/limitations of claim 1, Applicant respectfully asserts that these claims also are in condition for allowance. Additionally, these claims recite other features/limitations that can serve as an independent basis for patentability.

With respect to claim 18, that claim recites:

18. A method of providing on-line imaging services in a system comprising a digital imaging services site and web-enabled imaging device including a user profile, said method comprising:
connecting the web-enabled imaging device directly to an Internet service provider;
establishing a connection between the imaging services site designated in the user profile and the device;

submitting a request generated by the device for imaging services to the digital imaging services site;
examining the user profile for information pertaining to the submitted request at the imaging services site, in response to said request;
and
providing one or more imaging services in accordance with the submitted request and information included in the user profile.
(Emphasis Added).

Applicant respectfully asserts that the cited references, either individually or in combination, are legally deficient for the purpose of rendering obvious claim 18, because at least the features/limitations emphasized above are not taught or reasonably suggested by any or a combination of the references. For example, the Office Action sets forth no teaching or suggestion of “connecting the web-enabled imaging device directly to an Internet service provider,” “submitting a request generated by the device for imaging services to the digital imaging services site,” and “examining the user profile for information pertaining to the submitted request at the imaging services site, in response to said request.” Therefore, Applicant respectfully asserts that the rejection of claim 18 is improper and that claim 18 is in condition for allowance. Since claims 19 - 20 incorporate all the features/limitations of claim 18, Applicant respectfully asserts that these claims also are in condition for allowance. Additionally, these claims recite other features/limitations that can serve as an independent basis for patentability.

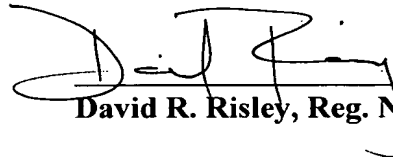
Cited Art Made of Record

The cited art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1 - 20 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,


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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 5/24/04.

Stephanie Riley
Signature